



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

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THE VICTORIAL FALLS PROCLAMATION 1994 "FOR AN INDEPENDENT JUDICIARY THROUGH JUDICIAL EDUCATION"

WE, JUDGES AND MAGISTRATES from free and independent jurisdictions of the Commonwealth,

Conscious of the necessity of re-affirming the vital role of an independent judiciary in realising the Commonwealth vision of a just and progressive society, and of the value of judicial education in securing and strengthening such a judiciary;

Meeting at Victoria Falls, Zimbabwe, in the General Assembly of the Commonwealth Magistrates' and Judges' Association:

DO SOLEMNLY DECLARE AND PROCLAIM as follows:

Article I

The Rule of Law, which is the essential foundation of a just and responsive system of government, requires settled and just laws, fairly administered without fear or favour, for its observance and advancement.

Such laws must offer protection to individual citizens and their rights, and especially to the rights of those who belong to minorities or are otherwise disadvantaged, as well as opportunities for personal and national social and economic development.

Article II

The Rule of Law can only be observed if there is a strong and independent judiciary which is sufficiently equipped and prepared to apply such laws.

Although it is highly desirable that the independence of the judiciary which is sufficiently equipped and prepared to apply such laws.

Although it is highly desirable that the independence of the judiciary, as one of the arms of government, should be formally protected by constitutional guarantees, the best protection rests in the support of government and people on the one hand and in the competence and confidence of judges and magistrates in the performance of their offices on the other.

Article III

Provision of formal and informal instruction for judges and magistrates in the performance of their duties, in their responsibilities as independent adjudicators, and in the laws and procedures which they are required to apply is an essential element in a modern and fair legal system.

Article IV

The independence of a judiciary is greatly strengthened by the mutual support which its members, and the practising legal profession, can offer in the pursuance of these ideals. Such support is especially valuable and effective at their inter-Commonwealth level between different jurisdictions.

And, for the practical implementation of the principles and purposes here declared, **WE DO FURTHER** resolve that:

1. This Proclamation and its content shall be formally communicated to:
The Commonwealth Secretariat; and through the Secretariat to the Commonwealth Heads of Government, and to the heads of the judiciaries in each Commonwealth country or territory;
2. The Commonwealth Magistrates and Judges Association has, through its Council, established as an integral part of its activity and as a principal instrument for the realisation of its role in regard to judicial education in the Commonwealth, the Commonwealth Judicial Education Institute. Under the authority of the Council of the Association the Institute is charged with the task of securing the furtherance of the principles and purposes stated in this Proclamation through such action as the Commonwealth Magistrates and Judges Association shall consider appropriate, and especially by promoting the independence of the judiciary in Commonwealth countries through the provision of appropriate judicial education at all levels:

Without prejudice to the generality of its primary task, the Institute will:

- i) collect and disseminate information and materials on judicial education and training in the Commonwealth countries and best practice therein;
- ii) promote and support the establishment of national and regional centres and provide for mutual assistance from Commonwealth countries to each other in the field of judicial education by the arrangements of exchange of visits, the offer and conduct of courses and the like;
- iii) advise, where so requested, on current provision for judicial education in particular Commonwealth countries

The General Assembly hereby commends and expresses its warmest support for this initiative.

Declared at Victoria Falls, Zimbabwe, this 26 day of August 1994.

[NB: Since November 1998, the CJEI has become independent from the CMJA and the Judicial Education activity of the CMJA has been re-structured under a Training Committee and a Director of Studies]